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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2008-283

**DEBORAH LYNN RUSS, a.k.a.**

**DEBORAH LYNN MELHUS**

25946 Matlin Road

Ramona, CA 92065-4818

**ACCUSATION**

**Registered Nurse License No. 595346,**

Respondent.

Complainant alleges:

**PARTIES**

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about February 27, 2002, the Board of Registered Nursing ("Board") issued Registered Nurse License Number 595346 to Deborah Lynn Russ, also know as Deborah Lynn Melhus ("Respondent"). The license expired on December 31, 2005, and has not been renewed.

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2           9.       Section 4022 of the Code states:

3           "Dangerous drug" or "dangerous device" means any drug or device unsafe  
4 for self-use in humans or animals, and includes the following:

5           (a) Any drug that bears the legend: "Caution: federal law prohibits  
6 dispensing without prescription," "Rx only," or words of similar import.

7           (b) Any device that bears the statement: "Caution: federal law restricts  
8 this device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of  
9 similar import, the blank to be filled in with the designation of the practitioner  
10 licensed to use or order use of the device.

11           (c) Any other drug or device that by federal or state law can be lawfully  
12 dispensed only on prescription or furnished pursuant to Section 4006.

13           10.       Section 4060 of the Code states:

14           No person shall possess any controlled substance, except that furnished to  
15 a person upon the prescription of a physician, dentist, podiatrist, optometrist,  
16 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished  
17 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section  
18 2746.51, a nurse practitioner pursuant to Section 2836.1,  
19 a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to  
20 Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph  
21 (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of  
22 Section 4052. This section shall not apply to the possession of any controlled  
23 substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician,  
24 podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-  
25 midwife, nurse practitioner, or physician assistant, when in stock in containers  
26 correctly labeled with the name and address of the supplier or producer.

27           11.       Health and Safety Code section 11173, subdivision (a), states:

28           (a) No person shall obtain or attempt to obtain controlled substances, or  
procure or attempt to procure the administration of or prescription for controlled  
substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the  
concealment of a material fact.

### COST RECOVERY

12.       Code section 125.3 provides, in pertinent part, that the Board may request  
the administrative law judge to direct a licensee found to have committed a violation or  
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
and enforcement of the case.

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1 **BACKGROUND**

2 20. From on or about September 9, 2002, until her resignation on or  
3 about April 28, 2004, Respondent was employed as a registered nurse at Palomar Pomerado  
4 Health (PPH), located in Escondido, California.

5 21. A Palomar Pomerado Health review of patient and "Pyxis"<sup>1</sup> records for the  
6 period March 28, 2004, through April 21, 2004, disclosed that while employed at PPH,  
7 Respondent obtained controlled substances for patient administration, some without physician  
8 orders to do so, and later failed to document the disposition of those substances in any hospital,  
9 patient, or other record.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(False, Grossly Incorrect, Grossly Inconsistent Record Entries)**

12 22. Respondent's license is subject to discipline for unprofessional conduct  
13 under Code section 2761, subdivision (a) and Code section 2762, subdivision (e), in that during  
14 the period of March 28, 2004, through April 21, 2004, while working as a registered nurse at PPH,  
15 Respondent made false, grossly incorrect, or grossly inconsistent entries in hospital, patient, or  
16 other records pertaining to controlled substances, as follows:

17 a. Patient J. G. On or about March 28, 2004, at approximately  
18 0802 hours and 1021 hours, Respondent obtained 4 mgs of injectable Morphine each time, total of  
19 8 mgs, for administration to Patient J. G. At approximately 1340 hours, Respondent obtained 500  
20 mgs of Hydrocodone for administration to Patient J. G. Respondent failed to account for the  
21 disposition of the 8 mgs of Morphine and the 500 mgs of Hydrocodone in any hospital, patient, or  
22 other record.

23 b. Patient M. T. On or about April 1, 2004, at approximately  
24 1200 hours, Respondent obtained 2 mgs of injectable Morphine for administration to

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25  
26 1. "Pyxis" is a brand name for an automated medication dispensing and supply system manufactured by the  
27 Cardinal Health Company. A personal identification number (PIN) is used to access controlled substances from  
28 the system which automatically logs all transactions involving the removal of controlled substances, identifying  
the name of the person accessing the system, the patient's name for whom the substances have been ordered, and  
the date, time, and dosage being obtained. Controlled substances may also be obtained by using the systems  
override function.

1 Patient M. T. Respondent failed to account for the disposition of the 2 mgs of Morphine in any  
2 hospital, patient, or other record.

3 c. Patient R. B. On or about April 1, 2004, at approximately 1503  
4 hours, Respondent obtained 2 mgs of injectable Lorazepam for administration to Patient R. B.  
5 Respondent failed to account for the disposition of the 2 mgs of Lorazepam in any hospital,  
6 patient, or other record.

7 d. Patient D. S. On or about April 7, 2004, at approximately 1732  
8 hours, Respondent obtained 2 mgs of Morphine for administration to Patient D. S. Respondent  
9 was not assigned to provide care for Patient D.S. and another nurse was assigned to do so at this  
10 time. Respondent failed to account for the disposition of the 2 mgs of Morphine in any hospital,  
11 patient, or other record.

12 e. Patient W. S. On or about April 8, 2004, at approximately 1518  
13 hours, without a physician's order to do so, Respondent obtained 50 mgs of Demerol for  
14 administration to Patient W. S. Patient W. S. did not have a physician's order to receive any  
15 Demerol. Respondent failed to account for the disposition of the 50 mgs of Demerol in any  
16 hospital, patient, or other record.

17 f. Patient J. B. On or about April 10, 2004, at approximately  
18 1128 hours, Respondent obtained 4 mgs of injectable Morphine for administration to Patient J. B.  
19 Respondent failed to account for the disposition of the 4 mgs of Morphine in any hospital, patient,  
20 or other record.

21 g. Patient D. W. On or about April 17, 2004, at approximately  
22 1758 hours, Respondent obtained 4 mgs of Morphine for administration to Patient D. W.  
23 Respondent failed to account for the disposition of the 4 mgs of Morphine in any hospital, patient,  
24 or other record.

25 h. Patient C. M. On or about April 17, 2004, at approximately 1839  
26 hours, without a physician's order to do so, Respondent obtained 25 mgs of Meperidine for  
27 administration to Patient C. M. Patient C. M. did not have a physician's order to receive any

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1 Meperidine. Respondent failed to account for the disposition of the 25 mgs of Meperidine in any  
2 hospital, patient, or other record.

3 i. Patient D. S. On or about April 18, 2004, at approximately 1110  
4 hours and 1719 hours, without a physician's order to do so, Respondent obtained 50 mgs of  
5 Demerol each time, total of 100 mgs, for administration to Patient D. S. Patient D. S. did not  
6 have a physician's order to receive any Demerol. Respondent failed to account for the disposition  
7 of the 100 mgs of Demerol in any hospital, patient, or other record.

8 j. Patient L. L. On or about April 20, 2004, at approximately 0934  
9 hours, without a physician's order to do so, Respondent obtained 50 mgs of Meperidine for  
10 administration to Patient L. L. Patient L. L. did not have a physician's order to receive any  
11 Meperidine. Respondent failed to account for the disposition of the 50 mgs of Meperidine in any  
12 hospital, patient, or other record.

13 k. Patient J. R. On or about April 20, 2004, at approximately 1724  
14 hours, Respondent obtained 1 mg of Ativan for administration to Patient J. R. Respondent failed  
15 to account for the disposition of the 1 mg of Ativan in any hospital, patient, or other record.

16 l. Patient C. B. On or about April 21, 2004, at approximately 0815  
17 hours, without a physician's order to do so, Respondent obtained 50 mgs of Demerol for  
18 administration to Patient C. B. Patient C. B. did not have a physician's order to receive any  
19 Demerol. Respondent failed to account for the disposition of the 50 mgs of Demerol in any  
20 hospital, patient, or other record.

## 21 **SECOND CAUSE FOR DISCIPLINE**

### 22 **(Wrongfully Obtaining and Possessing Controlled Substances)**

23 23. Respondent's license is subject to discipline for unprofessional conduct  
24 under Code section 2761, subdivision (a) and Code section 2762, subdivision (a), in that during  
25 the period April 8, 2004, through April 21, 2004, while working as a registered nurse at PPH,  
26 Respondent did the following:

27 a. Wrongfully Obtaining Controlled Substances: As set forth under  
28 paragraphs 20(d), 20(e), 20(h), 20(i), 20(j), and 20(l), which are incorporated herein by reference,

Respondent obtained Morphine or Demerol or Meperidine, by fraud, deceit, misrepresentation, or subterfuge, or by the concealment of material facts, in violation of Health and Safety Code section 11173, subdivision (a).

b. Wrongfully Possessing Controlled Substances: As set forth in paragraphs 20(d), 20(e), 20(h), 20(i), 20(j), and 20(l), which are incorporated herein by reference, Respondent possessed Morphine or Demerol or Meperidine without a valid prescription therefor, in violation of Code section 4060.

### **THIRD CAUSE FOR DISCIPLINE**

#### **(Gross Negligence)**

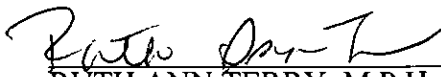
24. Respondent's license is subject to discipline for unprofessional conduct, under Code section 2761, subdivision (a)(1), in that during the period March 28, 2004, through April 21, 2004, while working as a registered nurse at PPH, Respondent committed acts of gross negligence, as more particularly set forth in paragraphs 20(a) through 20(l), above, which are incorporated herein by reference.

### **PRAYER**

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 595346, issued to Deborah Lynn Russ;
2. Ordering Deborah Lynn Russ to pay the reasonable costs incurred by the Board in the investigation and enforcement of this case pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

**DATED:** 4/14/08

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant